

**REMARKS**

As an initial matter, Applicant notes that Examiner omits Claim 42 from the formal rejection on page 2 of the current Office Action, but explains a rejection of Claim 42 on pages 4 and 5 of the Office Action. It is applicants current understanding that Claim 42 is intended to be included in the formal rejection on page 2 of the Office Action, and respectfully requests that any future Office Action be corrected to reflect such so that the prosecution history of the current Application is clear. **In addition, Applicant respectfully points out that any future Office Action which does not formally address Claim 42 would be deficient and have to be reissued so as to ensure that the prosecution history of the current Application is clear.**

The Examiner has rejected Claims 30, 31, 34-36, 42, 53, and 54 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,286,185 to Ramsauer ("Ramsauer") in view of U.S. Patent No. 1,538,320 to Gullong ("Gullong") and U.S. Patent No. 3,583,736 to Willimzik ("Willimzik").

Claim 30 stands currently amended to require that "the two flat pieces of the holding elements form projections and recesses which are configured to be engaged by a rotatable tool or key in such a way that the two flat pieces are displaced relative to one another against the spring force when the tool or key is turned". This amendment is supported by the use of a tool or key disclosed in elected Figs. 12D-12D and described in paragraph [0100] relating thereto.

Applicant notes that the amendment to Claim 30 is similar to some of the language of Claim 41, which Examiner previously asserted relates to projections which are present in non-elected Figs. 11D-11D [0096], 12J-12P [0101], and Fig. 18H [0103]. See Office Action dated 10-6-2008, P. 2-3. However, Applicant points out that the new language of Claim 30 is clearly directed to "projections and recesses which are configured to be engaged by a rotatable tool or key", as disclosed in elected Figs. 12D-12D and described in paragraph [0100] relating thereto. As such, the amendment to Claim 30 is a proper amendment which is directed to an elected species.

Claims 1-29, 37, and 39 stand previously canceled. Claims 32, 33, 38, 40, 41, 43-52, and 55-58 stand previously withdrawn. Claims 30-36, 38, and 40-58 are currently

pending. The following remarks are considered by applicant to overcome each of the Examiner's outstanding rejections to current Claims 30, 31, 34-36, 53, and 54. An early Notice of Allowance is therefore requested.

## **I. SUMMARY OF RELEVANT LAW**

The determination of obviousness rests on whether the claimed invention as a whole would have been obvious to a person of ordinary skill in the art at the time the invention was made. In determining obviousness, four factors should be weighed: (1) the scope and content of the prior art, (2) the differences between the art and the claims at issue, (3) the level of ordinary skill in the art, and (4) whatever objective evidence may be present. Obviousness may not be established using hindsight or in view of the teachings or suggestions of the inventor. The Examiner carries the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness and must show that the references relied on teach or suggest all of the limitations of the claims.

## **II. REJECTION OF CLAIMS 30, 31, 34-36, 53, AND 54 UNDER 35 U.S.C. § 103(A) BASED ON RAMSAUER IN VIEW OF GULLONG AND WILLIMZIK**

On page 2 of the current Office Action, the Examiner rejects Claims 30, 31, 34-36, 53, and 54 pursuant to 35 U.S.C. § 103(a) as being unpatentable over Ramsauer in view of Gullong and Willimzik. These rejections are respectfully traversed and believed overcome in view of the following discussion.

Applicant reasserts that **none** of the cited references, either alone or in combination, teach or suggest the first and second **smooth inclined** surfaces of the holding elements of Claim 30 for reasons made of record in the prior December 29, 2010 Amendment/Response. More specifically, Willimzik teaches that the **surfaces** of the latch-bolts 10, 11 which contact the respective **surfaces 14, 15** of the two abutment lugs 16, 17 so as to support the latch-bolts 10, 11 are **parallel** to each other. Thus, Willimzik teaches configuring latch-bolts to apply **direct pressure force**, similarly to the configuration of Gullong. This means that combining the teachings of Willimzik (which teaches a surface configured so as to apply **direct pressure**, and ***not* frictional pressure of a smooth inclined surface**) with those of Gullong would arrive at a device with holding elements

which have a first **parallel** surface “which, when assembled, contacts the rim or edge of the opening so as to support the body part on the rim or edge of the opening”. As such, it is impossible to combine the teachings of the cited references to arrive at the first and second surfaces of the holding elements of Claim 30 which are both (1) **smooth and** (2) **inclined with respect to the plane of the thin wall**. Accordingly, Applicant respectfully asserts that no amendments to Claim 30 are necessary to distinguish it over the current cited art.

However, in an effort to advance the prosecution of the current case, independent Claim 30 has been amended to state, in part:

“wherein the **two flat pieces** of the holding elements form **projections and recesses** which are **configured** to be **engaged by a rotatable tool or key** in such a way that the **two flat pieces** are **displaced** relative to one another against the spring force **when the tool or key is turned.**” (emphasis added).

Applicant respectfully asserts that the above language of Claim 30 (in addition to the above arguments related to the prior December 29, 2010 Amendment/Response) also distinguishes Claim 30 over the currently cited art.

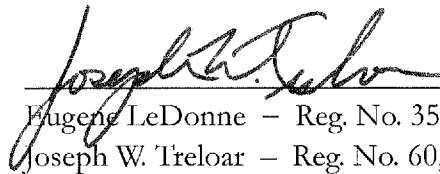
Accordingly, for all of the reasons discussed above, Applicant respectfully asserts that Examiner has failed to establish a *prima facie* case of obviousness of independent Claim 30, and corresponding Claims 31, 34-36, 42, 53, and 54 because they are each ultimately dependent from Claim 30. Therefore, Applicant respectfully requests that Examiner remove the rejection of Claims 30, 31, 34-36, 42, 53, and 54 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,286,185 to Ramsauer in view of U.S. Patent No. 1,538,320 to Gullong and U.S. Patent No. 3,583,736 to Willimzik.

### **III. WITHDRAWN CLAIMS 32, 33, 38, 40, 41, 43-52, AND 55-58**

Claims 32, 33, 38, 40, 41, 43-52, and 55-58 are each ultimately dependent from independent Claim 30. As Claim 30 is allowable, so must be Claims 32, 33, 38, 40, 41, 43-52, and 55-58. Accordingly, Applicant respectfully asserts that Claims 32, 33, 38, 40, 41, 43-52, and 55-58 are now in allowable form. Therefore, Applicant respectfully requests Examiner rejoin and allow currently withdrawn Claims 32, 33, 38, 40, 41, 43-52, and 55-58.

Based upon the above remarks, Applicant respectfully requests reconsideration of this application and its early allowance. Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,



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